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Chair: Mrs. Karen McCrimmon



Standing Committee on National Defence

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• (1430)

[*Translation*]

The Chair (Mrs. Karen McCrimmon (Kanata—Carleton, Lib.)): Good afternoon.

[*English*]

I call this meeting to order.

Welcome to meeting number 14 of the House of Commons Standing Committee on National Defence.

As you know, this is a hybrid meeting. The same rules apply, but I have a couple of extra reminders. I would ask that all comments from members be directed to the chair. When you're speaking, please speak clearly and slowly. Sometimes I have trouble with that myself, but I think that would be a great aid to our interpreters. When you're not speaking, your mike should be on mute.

With regard to a speaking list, the committee clerk and I will do our very best to keep track and maintain a consolidated order, whether you're here in person or participating virtually.

Pursuant to Standing Order 106(4), the committee is meeting today to consider a request received by the clerk and submitted by four members of the committee to discuss their request to undertake a study of allegations of sexual misconduct on the part of retired General Jonathan Vance during and before his tenure as chief of the defence staff of the Canadian Armed Forces.

Just for clarification, the meeting today will be restricted to dealing with the topic at hand that the four members of the committee have requested we discuss. Members have all received the letter and have had a chance to look at the meeting request.

I will now open the floor for debate.

I will first suggest that the motion be read into the record.

Mr. Bezan, I hand it over to you.

Mr. James Bezan (Selkirk—Interlake—Eastman, CPC): Thank you, Madam Chair.

I appreciate the committee coming together to debate this motion. I would also like to point out that because of the news yesterday that the Clerk of the Privy Council, Ian Shugart, is not able to perform his duties right now due to medical leave and also from other news that has appeared, I'd like to read into the record a slightly amended motion. I move:

That the Standing Committee on National Defence begin an immediate study into the allegations of sexual misconduct on the part of retired General Jonathan

Vance during and before his tenure as Chief of Defence Staff of the Canadian Armed Forces, that at least five meetings be held in public for no fewer than two hours each, that the meetings take place before February 26th, 2021, that the following witnesses be called to testify individually before the Committee: Hon. Harjit Sajjan, Minister of National Defence; the Deputy Clerk of the Privy Council, Christyne Tremblay, Deputy Minister of National Defence, Jody Thomas, Zita Astravas, Michael Wernick, and any other witnesses the Committee deems necessary, that these meetings be televised, and that the Committee report its findings to the House.

That's the motion, Madam Chair, and if you wish, I would be more than happy to speak to that motion.

I would say that the news reports that we have heard over the last number of weeks are disturbing, to say the least. We all believe that members of the Canadian Armed Forces should be able to operate in an environment that is not threatening and that is free of sexual misconduct. We do not want to, in any way, shape or form, tarnish the investigation that is ongoing right now with the Canadian Armed Forces into these allegations, but they are serious and they need to be looked at.

The thing that is of great concern is that these allegations were presented to the Minister of National Defence, Minister Sajjan, and we have not gotten any clear answers from the media reporting to date on how that information was handled, whether or not the victims had been spoken to or approached and whether counselling services had been offered. We don't know what evidence was turned over to the Privy Council Office. We don't know if Minister Sajjan reported this up his chain of command and gave it to the Prime Minister so he could seek his advice. We do know that a very different approach was taken to handling the allegations involving the Governor General, with an independent review and a report being issued, which ultimately led to her resignation.

We know that this information has been out there for three years, since the beginning of 2018. I believe if you look at the record that is out there in the media, through multiple media sources, as well as what seems to be a number of contributing witnesses who have testified to the story, there is a great deal of concern that the Minister of National Defence, who is responsible and who has the authority to manage the chief of the defence staff and the department, failed to address these allegations properly. We know, through media reporting, that it was definitely brought to his attention by the former National Defence and Canadian Forces ombudsman, Gary Walbourne.

For that reason, we need to have a thorough look to ensure that Minister Sajjan exercised his authorities in a responsible manner and that he upheld his legislative and parliamentary duties as defined by the National Defence Act, as well as what is defined through parliamentary procedure and ministerial accountability. We need to hear from him, but in leading up to hearing from the minister, we need to talk to members of the Privy Council, those who were there at the time, like Michael Wernick. We need to talk to his former chief of staff and find out what they knew at that time.

• (1435)

I believe there's much here that the committee needs to dive into. That's why we need five meetings, but we need to do this in an expeditious manner so that we can get to the bottom of this and ensure that the morale of the Canadian Armed Forces is not damaged any further than it already has been and that Canadians can have confidence in our Canadian Armed Forces, the Department of National Defence and the Minister of National Defence, whoever that might be.

The Chair: I have heard from the clerk that we just got a copy of this revised motion. There are a couple of things here. People need to see this. It's a significant rewrite. It's not just a change of date or something. There's significantly more added to it.

Technically, it looks like it is in order, but the other thing I'm struggling with here is that we have a convention that works in this committee. That's why I asked you to prioritize your witnesses. Then we'll do everything we can to get the witnesses that each party decides is a priority for them. I am really loath to start something like horse-trading witnesses in a public committee and having people say that they want this person for that reason and they don't want that person for this reason. I just don't want to see it happen. That's the reason we came up with the procedure, which I think has been working well, to have people prioritize the witnesses. Then we get the witnesses that you want.

It doesn't impact anything directly, I suppose, but I think this will make it much more difficult for us to do this job and to look into sensitive issues like this one if we insist on naming witnesses in our motion. It's nothing illegal or whatever, but it's just a caution.

I am going to suspend for a couple of minutes to make sure everyone gets a copy of this revised motion.

• (1440)

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): On a point of order, ma'am—

The Chair: I'm going to suspend.

Mrs. Cheryl Gallant: I have a point of order.

Madam Chair, I had my hand up the whole time. Speaking of convention, because the chair is often doing other things, it's up to the clerk to be sitting there so that the opposition gets fair play. It is unconventional to have the clerk over there, where I'm out of eye-shot. I had my arm up all that time.

The Chair: I don't want to start the debate until everybody has a copy of the motion. It's not fair. I just don't think it's fair, when we have a significant rewrite of a motion, to start a debate when they don't have a copy.

Mrs. Cheryl Gallant: I wasn't going to start a debate on that.

The Chair: We'll suspend for a couple of minutes. We'll make sure they let us know that they've gotten a copy of the motion and then we'll open the debate.

• (1440)

(Pause)

• (1455)

The Chair: We are reconvening this meeting.

Thank you, everyone, for your patience.

Did you all receive both motions? Okay, fine. We just needed to make sure.

Ms. Vandenberg.

Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.): Thank you, Madam Chair.

I also want to thank the other members of the committee for putting this forward as a motion.

I think we've all been shocked by the serious allegations and we all agree that it's important that our committee study this issue. Minister Sajjan takes this extremely seriously, and I have full confidence that he will make himself available to this committee to testify.

It goes without saying that we have to be very careful that nothing we say, either in our line of questioning or in the committee, could potentially prejudice any ongoing or future investigations, including investigations by the Canadian Forces national investigation service and the military police.

I believe that our committee could have a really important role to play, not just on this issue but also in providing recommendations on how we can improve on the efforts that have already been made in order to make sure that every member of the defence team, every member of the Canadian Armed forces and DND, feels that they can be safe in the workplace. This is something that, as many committee members know, I have been working on for a very long time and something the minister is very committed to, and I think the committee has a role to play in that. I also think it's an opportunity to look at the vetting process that the former chief of the defence staff underwent during his appointment.

I would like to propose two amendments, two technical changes, to the new motion that was put forward today.

One would be that we change from five meetings to three meetings. Of course the committee and the steering committee could always look at this in terms of our ongoing studies, but I think that for the time being, we should have three meetings. I note that originally there were to be even fewer than that.

The other thing is that I share the concern raised by the chair earlier that it has been convention in this committee and other committees that we not talk about which witnesses and who is going to propose a witness and start voting one by one on different witnesses during the committee meeting. Traditionally different members have submitted witness names to the chair, and I've noted that the chair has been very fair in making sure that all of the priority witnesses that any of us have submitted are actually called to testify. It's just as a matter of procedure, but I would prefer that it be done that way.

Because of that, I would like to amend the motion to take out the suggested witness names except for that of the minister. I think that one is very fair, and we can leave that in. I think the minister has always come to this committee when asked, and I have full confidence that he will do so again. In terms of other witness names, I think we should take those out of the motion and then each member can submit to the chair whatever witnesses they wish. I do note that there may have been talk of other members wanting to put forth individual names, and I don't think this is the best practice.

I am fully prepared to support the motion with those two minor changes, changing five days to three days and taking out all of the proposed witness names other than that of Minister Sajjan.

Thank you.

The Chair: Does anyone else want to speak to this amendment?

Madam Gallant.

Mrs. Cheryl Gallant: Thank you, Madam Chair.

To the reference you made earlier, the change had to be made because, as you know, one of the witnesses has to undergo medical treatment, so it wasn't a matter of horse-trading. We were just trying to show some compassion for one of our public servants.

As far as not naming witnesses goes, it has been customary for us to do so, so in keeping with convention, I feel, as we did with different studies, we should continue to identify, just to ensure that no substitutions are made where it could be important to have the actual person we were asking for.

• (1500)

The Chair: All right.

Mr. Garrison, go ahead, please.

Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP): Thanks very much, Madam Chair.

I am just asking for a procedural clarification.

Are we dealing with one amendment or two amendments here? It's not clear to me what the parliamentary secretary was suggesting, and they clearly have different purposes. I might be inclined to vote differently on the two proposals, but it's not clear to me whether this has been put forward as one amendment or not.

The Chair: Go ahead, Madam Vandenberg.

Ms. Anita Vandenberg: My intention was to put it forward as one amendment with two parts.

Mr. Randall Garrison: Thanks for the clarification. If that's the case, I'll be voting against the amendment.

The Chair: Go ahead, Mr. Brunelle-Duceppe, on the amendment.

[*Translation*]

Mr. Alexis Brunelle-Duceppe (Lac-Saint-Jean, BQ): Thank you, Madam Chair.

Like everyone else, I was surprised. Everyone has known since last week what we were going to do today. Normally, the parties discuss these sorts of things, but this comes as a surprise. It's out of the blue.

What Ms. Vandenberg just proposed seems reasonable to me. I think three meetings is enough. I also think our usual procedure for selecting witnesses works, so I don't see why we would change it.

I am in favour of both parts of Ms. Vandenberg's amendment. This being such an important issue, I think it's a good idea for the committee to spend three meetings on it, as she proposed. That's one more meeting than the initial motion called for, so it would give us more time. Of course, we should keep the minister's name in the motion, since the main reason the motion was put forward in the first place was so the committee could hear from him. He is directly involved.

The amendment is perfectly reasonable. By holding three meetings on the issue and hearing from the minister, we'll be able to get to the truth. Each party can recommend witnesses it feels are a priority.

For that reason, I support Ms. Vandenberg's amendment.

The Chair: Thank you.

[*English*]

Is there anyone else?

Go ahead, Mr. Bezan.

Mr. James Bezan: I'm okay if we have to change the number of meetings down and put a couple of witnesses together on their own panels, but I think we do have specific witnesses who need to be called, based upon the stories that have been in the media.

If we want to ensure accountability from a ministerial standpoint, we need to hear from these specific witnesses, so if the parliamentary secretary wishes to split that into two different motions, I think we could...and she's not. I can see that she is not amenable to that.

For that reason, we'll have to vote against, because we believe that these are the witnesses who are germane to the session at hand.

The Chair: Does anyone else want to speak to the amendment?

Go ahead, Madam Gallant.

Mrs. Cheryl Gallant: Madam Chair, what we're trying to do here is to ensure that the women and men of the Canadian Armed Forces have confidence that the system that has been put in place to ensure they are given fairness when they bring forth a complaint of this nature is going to be handled in the proper way.

That is what we're trying to determine here: that the system in place and the process necessary actually occur. That is why the specific witnesses have been requested.

Thank you, Madam Chair.

The Chair: Thank you very much.

Is there anyone else, then, who wishes to speak on the amendment?

• (1505)

Mr. James Bezan: I'll move a subamendment to the amendment. It is that we split this into two separate votes, one on the three meetings and deleting Ms. Vandenberg's second part, which is to vote on the witness list that is in there.

The Chair: I don't think we can amend an amendment.

Mr. James Bezan: Okay.

The Chair: I think we have to vote on the amendment as it has come forward. I mean, if you want to put together a separate suggestion, an amendment after—

Mr. James Bezan: A second amendment after the fact...? Okay. Let's see what happens.

Mrs. Cheryl Gallant: On a point of order, Chair, subamendments are allowed. They are perfectly legal and have been used before.

The Chair: They have, up to a point.

It's getting a bit complicated here now, and I want everyone to be perfectly clear about what they're voting on.

Go ahead, Mr. Clerk.

The Clerk of the Committee (Mr. Wassim Bouanani): Subamendments are permitted. This subamendment is out of order.

The Chair: Thank you.

Not hearing anything further, I think it's time to vote on this subamendment. Does anybody need a refresher? I see a couple of quizzical looks.

Mr. James Bezan: Madam Chair, would you be able to read the amendment to the motion?

The Chair: I will ask the clerk to go ahead.

The Clerk: The text of the amendment is as follows:

That the Standing Committee on National Defence begin an immediate study into the allegations of sexual misconduct on the part of retired General Jonathan Vance during and before his tenure as Chief of Defence Staff of the Canadian Armed Forces, that three meetings be held in public for no fewer than two hours each, that the meetings take place before February 26th, 2021, that the following witnesses be called to testify individually before the Committee: Hon. Harjit Sajjan, Minister of National Defence, and any other witnesses the Committee deems necessary, that these meetings be televised, and that the Committee report its findings to the House.

The Chair: All right. Are we all good?

I am going to hand it over to the clerk now to do a recorded division on that amendment.

(Amendment agreed to: yeas 6; nays 5)

The Chair: Go ahead, Mr. Garrison.

• (1510)

Mr. Randall Garrison: Thank you very much, Madam Chair.

On the main motion, I do want to speak at this point. I think it's very clear that the issue we have before us today really is whether Canadian women can serve equally in the Canadian Armed Forces. This is a crucial matter for those who are serving and for those who may wish to serve. It's also crucial to the future of the Canadian Forces in that it's no longer in dispute. We know that a more diverse military is a more resilient and a more capable military. This is a question we have to answer, both for individuals who might be subject to sexual misconduct—and let's be honest that almost all the time they are women—and, second, to the future of the Canadian military.

The question of whether adequate efforts have been made to stem sexual harassment and sexual assault in the military is an important question, but one that we already know the answer to. Progress has stalled, with what can only be said, at its most charitable, to be very low levels of progress, so much so that last October the Canadian Forces had to issue a new plan for dealing with sexual misconduct in the military.

I want to read a quote that accompanied the release of that plan. It said, "To achieve our goal, we must cultivate a command climate across the institution where sexual misconduct is never minimized, ignored or excused." That, to me, is the question in front of the committee today, making sure that we never ignore, minimize or excuse that sexual misconduct. The problem is those words from that release came from the chief of the defence staff, who now stands accused of, on multiple occasions, the very sexual conduct we're trying to combat.

I do support this motion, not in the sense that the committee should conduct an investigation into the conduct of retired General Vance—clearly, that's already being undertaken in an appropriate forum—but in the sense that we do have two responsibilities here as a committee.

One of those we've taken on many times and we will take on again, including in our upcoming study on military justice. That's to make sure the policy and programs are in place that will ensure that sexual harassment and sexual assault are taken seriously and are dealt with justly, and that services and support are provided to victims in an appropriate matter.

The second responsibility is the one I think this motion deals with, and I think it's urgent that we do undertake this study. That is, that as the former chief of the defence staff said, we can never minimize, ignore or excuse sexual misconduct. We need to hear from the Minister of Defence and the Prime Minister about how they dealt with the accusations against General Vance. On the face of it, I don't think anyone would conclude that the actions met the high standard we need to meet for the Canadian Forces.

There's a second piece of this, which I think we also need to look at. We need to know whether we have had, in fact, failure by two successive governments to deal with the question of sexual misconduct and sexual harassment in the military. For that reason, I gave notice of motion today to call former minister of defence and former member of Parliament Jason Kenney, who was the minister of defence who first appointed General Vance to the position of chief of the defence staff. We now know, from many media reports, that there were allegations of sexual misconduct at the time of his appointment or immediately thereafter. I believe—and that's why I have given notice of that motion—that in addition to the current Minister of Defence, it is essential that we hear from the former minister of defence who made the appointment.

If we're going to give confidence to the Canadian military that all are considered equally, and in particular to women that they can serve in the Canadian military, we have to assure that this was taken seriously at the highest levels when these accusations were made. As I said, on the face of it I'm not sure that's true. That's why I support this motion to conduct these hearings. That's why, at this point, I am going to move the motion that I circulated, and that is that Jason Kenney be called as an additional witness.

Madam Chair, you could treat that either as an amendment to the motion before us or as a separate motion; it makes no difference to me. I believe we are in a different situation when it comes to these hearings than we are in our normal hearings, for which we ask each party to put forward witnesses. There are some witnesses here whose roles in this have been essential, and they must appear before the committee.

• (1515)

It's not a matter of trading between parties. It's a matter of making sure we have the appropriate people to give the appropriate testimony so that we can really establish confidence that allegations of sexual misconduct and sexual harassment will always be taken with the utmost seriousness at the very highest levels in government.

Thank you.

The Chair: Thank you very much, Mr. Garrison.

I acknowledge that you're moving your motion, but we have to put it aside to first deal now with the current motion, the amended motion.

Madam Vandenberg, did you have something to say?

Ms. Anita Vandenberg: No. I will speak on the motion when it's put.

The Chair: All right. Then we'll do a recorded division on the main motion that has been amended.

Does anyone want that read out again? Yes?

Please go ahead.

The Clerk: The main motion reads:

That the Standing Committee on National Defence begin an immediate study into the allegations of sexual misconduct on the part of retired General Jonathan Vance during and before his tenure as Chief of Defence Staff of the Canadian Armed Forces, that three meetings be held in public for no fewer than two hours each, that the meetings take place before February 26th, 2021, that the following witnesses be called to testify individually before the Committee: Hon. Harjit

Sajjan, Minister of National Defence, and any other witnesses the Committee deems necessary, that these meetings be televised, and that the Committee report its findings to the House.

(Motion agreed to: yeas 11; nays 0)

The Chair: Mr. Garrison, do you wish to officially move your motion now?

• (1520)

Mr. Randall Garrison: Yes, I do.

I move that the committee invite former MP and former minister of defence Jason Kenney to appear and give evidence before this study in his role as the minister who first appointed General Vance to the position of chief of the defence staff, and in light of the fact that we now know that accusations of sexual misconduct and sexual harassment had already been made at the time of his appointment or thereabouts.

Thank you.

The Chair: We have Madam Vandenberg and then Mr. Bezan.

Go ahead.

Ms. Anita Vandenberg: Thank you, Madam Chair.

I would like to reiterate what we said before in terms of procedure and how we are going about selecting witnesses.

Madam Chair, I know that you have been very good in the past. When priority witnesses have been sent in by any member of the committee, you have made sure those witnesses are invited. With regard to the witness that Mr. Garrison just asked for, for instance, presumably, if that is his priority witness, that individual would be invited.

I do caution us a little bit about starting to put names forward one by one. Having said that, I do note that Mr. Garrison did give notice ahead of the meeting about this particular witness. I would hope that if the premier or any individual has information relevant to this, they would co-operate with the relevant authorities, the CFNIS and others who are investigating. I think there would be no harm if the committee were to extend an invitation to Premier Kenney.

Even though I will be voting for this, I want to put it on record that I believe it's bad practice for the committee to discuss individual witnesses. Maybe not in this case, but you can imagine in other cases that having one's name discussed back and forth in a public forum could be very troubling for individual witnesses. I just want to put it on record that it not become a precedent.

The fact that Mr. Garrison did submit this ahead of time at least gives the members a chance to look at it, so I will be voting for it.

The Chair: Go ahead, Mr. Bezan.

Mr. James Bezan: Well, I guess there's no politics in that. This is okay for Premier Kenney but not all right for others.

With that in mind, if we're going to be carrying forward on this motion, then I'd like to amend it by adding, after "thereafter", the following: "and also call the Deputy Clerk of the Privy Council, Christyne Tremblay, Deputy Minister of National Defence, Jody Thomas, Zita Astravas, and Michael Wernick".

The Chair: According to our glorious clerks—they know this inside and out—they have to say that the decision has already been taken on that first one.

Mr. James Bezan: I would argue—

The Chair: I know. Look, Mr. Bezan, I'm not...

I really dislike the way we're going through this—

Mr. James Bezan: That aside, Madam Chair, we do have a situation where the amendment that was passed could have been passed on two different fronts, not on one or the other. So it's not fair of the clerks, or procedurally correct, in my mind, that they can just rule this as out of order since the decision was already taken. We voted on an amendment that was two parts, both time and names.

With that said, I am specializing this. Since we are dealing with a motion that is adding names of witnesses to appear before the committee, I'm adding those witnesses whose names I just read into the record.

• (1525)

The Chair: Mrs. Gallant, go ahead.

Mrs. Cheryl Gallant: Thank you, Madam Chair.

I'm wondering why Mr. Garrison's motion is in order, given the amendments that were made to the main motion.

The Chair: The main motion was in order. I never ruled it out of order. It was just a caution.

Mrs. Cheryl Gallant: But the amendment said no names, and now Mr. Garrison has introduced a name. I just don't know, from a procedural standpoint, how you can have a motion that essentially says no names and then add another motion that adds names.

The Chair: I know.

Mrs. Cheryl Gallant: It doesn't make sense.

The Chair: It's not what I would like to see happen. I get it. But people....

Just stand by for a minute.

[*Technical difficulty—Editor*] anybody else the committee deems appropriate. So I do believe that the amended motion leaves room for what Mr. Garrison wants to see happen. It just doesn't name someone by name.

Mrs. Cheryl Gallant: But it does.

The Chair: No. The amended main motion would allow calling the witness that Mr. Garrison wants to call, because it says, “and any other witnesses the Committee deems necessary”. I'm not sure we need this second motion, but it is a member's right to put a motion forward if they wish.

We'll hear from Madame Vandenberg, Mr. Garrison and then Mr. Bezan.

Ms. Anita Vandenberg: Madam Chair, just on a procedural note, I do believe we have Mr. Garrison's motion, and that needs to be dealt with before another motion comes forward.

Mr. James Bezan: Mine is an amendment to the motion.

Ms. Anita Vandenberg: All right, in that case I just want to reiterate that I think members who have one or two key priority witnesses—and I have some myself that I would like to submit, but I am not going to be putting a whole slew of names forward in this forum—will see those witnesses called.

I do think this is not a very good procedure to go by. Having said that, I think we can go individually on these motions.

Just to the point that Mr. Bezan made, I think we should be doing the motions in a different forum, perhaps a steering committee meeting, so that we can discuss individual people's names, not in public. That does not mean the names that were mentioned previously by Mr. Bezan and others wouldn't be called as witnesses, because if they prioritize those, I would imagine they would be called.

I don't think all this discussion today is necessary, because we will be calling those witnesses anyway.

The Chair: Mr. Bezan....

Mr. Garrison, I thought you weren't ready.

Go ahead, Mr. Garrison, and then Mr. Bezan.

Mr. Randall Garrison: Thank you very much, Madam Chair.

I think we're dealing with something different here. I do agree with our normal procedure for selecting witnesses, but that's not the procedure we follow for inviting government officials, and particularly ministers.

My reason for naming the former minister of defence follows that precedent. We don't say that parties will decide whether or not we call the ministers responsible, so I think this is a different situation because Mr. Kenney is a former member of Parliament and a former minister of defence. He is not a private individual. I quite agree with the members who are arguing that we normally discuss witnesses in an in camera meeting, but when it comes to government officials and those who are or were responsible to Parliament, I think that's a different category, and that's the reason I moved a separate motion.

I am supportive of Mr. Bezan's arguments that the same applies to those public servants who handle the vetting and complaints process, but as the chair has ruled, the committee has decided that point, so I would urge committee members to simply support this motion to invite Premier Kenney.

The Chair: Mr. Bezan, go ahead.

Mr. James Bezan: I will finalize this if nobody else puts their hand up.

This decision that we're talking about is a separate motion and a separate decision. It's based upon naming witnesses for our committee study. Premier Kenney is no longer a parliamentarian, so he would be appearing as an individual and he should be extended the same courtesy.

Absent that, we need to then [*Technical difficulty—Editor*].

• (1530)

Mrs. Sherry Romanado (Longueuil—Charles-LeMoynes, Lib.): On a point of order, Madam Chair, we can no longer hear Mr. Bezan.

The Chair: Thank you. Stand by.

Do you want to try that again, James?

Mr. James Bezan: I'm not sure what happened here, but I am sorry about that.

I was just saying that since Premier Kenney is no longer a parliamentarian, he is an individual who should be invited and not put into a motion like this. If we're going to go down this route, this is a separate decision from the one we made previously; that one is based on doing the study, and this one is based on a witness list. I believe I am in order in bringing forward this motion to add the names that I just presented.

These are people, as Mr. Garrison just pointed out, who are definitely part of the complaints and the vetting process that took place and the investigation of the allegation, so we need to hear from them first, before we even have the minister here. That's why I think that needs to be part of this motion, so we can get the committee work started now and not wait until we have a steering committee and then determine who is on the witness list and then schedule the meetings after the fact. We are working on a time frame now of February 26, so we have only two weeks of meetings to make this happen.

Madam Chair, I implore you to let us vote on this with the amendment.

The Chair: So you are putting forward an amendment to Mr. Garrison's motion. That is correct.

We'll be voting on that amendment first, and then after we vote on the amendment, we'll be voting on the main motion.

Stand by.

Ms. Anita Vandenberg: Madam Chair, just for clarification, we are now voting on Mr. Bezan's amendment right now. Is that the case?

The Chair: Yes, that is correct.

Stand by.

• (1530)

(Pause)

• (1535)

The Chair: Go ahead, Ms. Vandenberg.

Ms. Anita Vandenberg: Madam Chair, I have a question of procedure.

If a witness is voted down in this committee, does that then preclude that witness from being able to be entertained if it comes forward as a witness from an individual member?

If that's the case, Madam Chair, I really think that this whole procedure we're going through, where we're voting up and down different witnesses, is actually very unfair, because what that will lead to is a number of witnesses that might be voted down just because we

think that procedurally it's incorrect, in which case, if they were put forward by the member, those witnesses would likely be called.

I don't think we're all in a position today to be saying yes or no to individual witnesses. I'd much prefer that parties submit those names and then leave it open for those witnesses to be able to be called.

The Chair: Thanks for making this a very interesting afternoon.

I'm going to have to rule the suggested amendment out of order. There's nothing—

Mr. James Bezan: Madam Chair, can you quote where in the Standing Orders or in the rules and procedures for the House of Commons, in the third edition, it says that this would be out of order?

The Chair: If I could finish.... But there's nothing stopping the members from putting those names forward as witnesses, and we will do what we've always done. We will do our very best to get your priority witnesses. There is some.... It's not hard and fast, perhaps, but I don't think it closes the door either if we were to.... We do not need to accept Mr. Garrison's motion in order to invite Mr. Kenney. We do not need to accept Mr. Bezan's original motion in order to invite the people who were on that list.

It doesn't close any doors, but if we voted against something earlier, then I don't think we can go back and vote and use those same names and that same...again.

Mr. James Bezan: At the same time, Madam Chair, the motion was very clearly in two parts in the previous motion. This is a separate motion that follows up on determining witness lists. We already have a motion tabled by Mr. Garrison that I've amended and that I believe is in order.

Unless you can quote where in the Standing Orders as it applies to committees—not to the House—and also where in chapter 20 of the rules and procedures of the House of Commons, in the third edition, it says that this motion would be ruled out of order, as the decision we previously took....

We are masters of our own domain at committee, so I would say that we should vote on it, as we are in Mr. Garrison's motion, unless Mr. Garrison is going to withdraw his motion and the amendment is withdrawn as well.

• (1540)

The Chair: Go ahead, Mr. Spengemann.

Mr. Sven Spengemann (Mississauga—Lakeshore, Lib.): Thank you very much, Madam Chair.

You mentioned earlier that on the advice of the clerk, this amendment would be out of order and had been dealt with previously. I suspect that it's partly because Mr. Garrison's motion really is talking about an entirely different time frame. It's talking about Jason Kenney as “the Minister of Defence who originally appointed General Vance”. Then we have a run-on of names that were dealt with in a previous amendment, that are chronologically completely out of step.

With your indulgence, Madam Chair, I'd like to hear from the clerk his thoughts as to why this is out of order.

The Chair: Just a second....

Mrs. Cheryl Gallant: Madam Chair, I don't understand something on procedure. Are we talking about a study and two separate motions on witnesses, or are we talking about two separate studies? I just can't see how on the one side you can put on paper that we're naming a witness, but then the other witnesses that another party wants to name are disallowed. I just don't see how they match or are congruent. If they're two separate studies they would be, but if they're all the same study, you can't give one party naming at this point and the other not.

I don't understand why the second motion is in order if it pertains to the same study that we're going to do.

The Chair: Madame Gallant, thank you for that. This is exactly why I do not like this practice of naming witnesses in motions. It adds this additional layer of complexity to an issue that's already complex enough. I don't disagree with what you're saying. It's trying to find that....

I think where we are now is that we'll be able to call whatever witnesses we want. We do not need them to be specified in the motion. When we do specify witnesses in the motion, this is where we end up. We end up evaluating each individual witness, pro and con, and it makes it really very difficult to do. So I'm not inclined to support motions that....

If it's in order, it's in order. If it's out of order, it's out of order. It's not quite clear here. I mean, the practice of the House kind of guides us, but I must admit to being reluctant to....

If it's a valid motion, it's a valid motion, and we'll deal with it, but I don't want to see this encourage future behaviour in the design of motions so that we end up tied up in knots instead of being able to do it the way we've done it for the last few months. I think we've done a good job. People have put witnesses forward in good faith, and in good faith we've gone out and gotten them. It's not pure, but it's definitely something that needs to be taken into account.

I will let the clerk read what he was working on.

Go ahead, Mr. Clerk.

• (1545)

The Clerk: Thank you.

Chapter 12 in *House of Commons Procedure and Practice*, under "A Decision Once Made Must Stand", reads as follows:

A decision once made cannot be questioned again but must stand as the judgment of the House. Thus, for example, if a bill or motion is rejected, it cannot be revived in the same session, although there is no bar to a motion similar in intent to one already negatived but with sufficient variance to constitute a new question. This is to prevent the time of the House being used in the discussion of motions of the same nature with the possibility of contradictory decisions being arrived at in the course of the same session.

The Chair: All right. Thank you, everyone.

Mr. James Bezan: I would just say that applies to the House, but not necessarily to committees, which are governed under chapter 20.

The Chair: Go ahead, Mr. Dowdall. Then we'll have Mr. Spengemann.

Mr. Terry Dowdall (Simcoe—Grey, CPC): Thank you, Madam Chair.

I just want to say that, sitting in this meeting here, the reason we get into a bit of trouble—whether it's here or whether it's the current government—is the fact of inconsistencies. What I'm hearing here and what my colleague said earlier today was something to the effect that they don't agree with it: "We don't do it this way, but I would vote for it." This just doesn't bode well.

I would suggest to the chair that they are very similar. They are very consistent, so, as a committee, if we want to stay and be professional, the onus is on us to make sure that we make a consistent call on this here. Quite frankly, if Mr. Garrison's motion holds true, I don't know how you—or anyone, for that matter—can come to the consensus that some other party, no matter which party it is, can bring somebody forward in the same way. I just implore all the members here to remember that consistency is the number one thing.

I don't really see a big difference, and I believe what you're saying, Madam Chair, that if at any time a member wanted to request that somebody come, all of us on this committee would do that. I'm just concerned that if we're not following what we normally would consistently do, we may find ourselves with a bit of a problem.

The Chair: Mr. Spengemann is next, please, and then Mr. Brunelle-Duceppe.

Mr. Sven Spengemann: Thank you, Madam Chair.

Just to repeat, we're talking about two very different things. Mr. Garrison's motion is about an entirely different time period. We have dealt with the witnesses that Mr. Bezan put forward previously, and I would ask you, Madam Chair, on the advice of the clerk, to sustain the ruling that this amendment is out of order.

Mr. James Bezan: That's a decision that only the chair can make.

[*Translation*]

The Chair: Mr. Brunelle-Duceppe, you may go ahead.

Mr. Alexis Brunelle-Duceppe: Thank you, Madam Chair.

I think—

[*English*]

Mr. James Bezan: On a point of order, did Mr. Spengemann just move a motion that would challenge the chair on her decision?

The Chair: Mr. Spengemann, do you want to respond to Mr. Bezan?

Mr. Sven Spengemann: I don't think it's necessary to respond, Madam Chair. I would simply say that my point was that, on the advice of the clerk we heard, this amendment is out of order. I would ask you to consider ruling to sustain that advice in the form of a ruling that the amendment is out of order.

The Chair: Thank you.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: May I continue, Madam Chair?

The Chair: Yes, go ahead.

Mr. Alexis Brunelle-Duceppe: I'd like to put an end to the debate. This isn't complicated: there is a difference between Mr. Garrison's motion and Mr. Bezan's. As a former minister, Mr. Kenney still has the title “The Honourable”, which puts him on the same level as Mr. Sajjan. Therefore, just as we agreed to name Mr. Sajjan as a witness, we support Mr. Garrison's motion. We could then proceed in order of priority for the other witnesses.

As for the procedure, I will leave that to you.

As I see it, there is a huge difference between the witnesses named in Mr. Bezan's motion and the one in Mr. Garrison's.

• (1550)

The Chair: Thank you, Mr. Brunelle-Duceppe.

[*English*]

Could you repeat that? We lost translation for the first two or three sentences.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: I was saying that, as a former minister, Mr. Kenney still has the title “The Honourable”. The fact that he used to be in Mr. Sajjan's position puts him on the same level—hence why I support Mr. Garrison's motion over Mr. Bezan's.

Afterwards, the parties will each have an opportunity to put forward the witnesses they want to prioritize.

[*English*]

The Chair: I'm sorry. I think we lost interpretation again.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: I think I made my point and everyone understood. Did they not?

The Chair: No, there is a problem with the interpretation.

Could you repeat what you said, please?

Mr. Alexis Brunelle-Duceppe: All right. I'll start over.

The reason we support Mr. Garrison's motion is that Mr. Kenney still has the title “The Honourable”, which puts him on the same level as Mr. Sajjan. All of us agreed to the motion referring to Mr. Sajjan by name. For the same reasons, I am in favour of Mr. Garrison's motion. To my mind, the two men are on the same level. Then, we could certainly name a hundred or so other witnesses, but I challenge you to find others styled as “The Honourable” who are connected to the matter. I don't think you can.

Now, we can start recommending the witnesses we want to prioritize to the chair. Every member of the committee will have an opportunity to put forward their choices.

Did everyone hear me that time?

[*English*]

The Chair: Yes. Thank you.

Madame Vandenberg.

Ms. Anita Vandenberg: Thank you.

For some clarification, my understanding, Madam Chair, is that on the advice of the clerk you've ruled Mr. Bezan's amendment out of order because it was already debated and voted on previously in this committee meeting. It's not because of the nature of the witnesses, or the procedure, or even my own objections to the procedure that we're undergoing today—which I think has shown for itself why we don't do this—but because of a standing order.

Madam Chair, if that is your ruling, you should make it clear that it is your ruling. Then we can proceed with other amendments or other motions as they come to the floor.

I still think this is not a good process, but the reasoning on Mr. Bezan's amendment is not that we disagree with it or don't like the process. It's that it was already voted on.

The Chair: Exactly. Thank you for that.

I'm trying to be as fair as possible. Here you can see the dangers that arise when we incorporate witness names inside the motion. I believe I called the amendment to Mr. Garrison's motion, put forward by Mr. Bezan, out of order.

Now we move on and vote on Mr. Garrison's main motion.

I call on the clerk to do a recorded division.

(Motion agreed to: yeas 7; nays 0 [*See Minutes of Proceedings*])

• (1555)

The Chair: I just want to make it clear to everyone that this is exactly why I don't really think we need to include witness names in motions. We can discuss these things in a steering committee and come out with something that's very positive. This is a challenging thing to do, but remember that the original motion put forward by Mr. Bezan includes “any other witnesses the Committee deems necessary”.

Go ahead, Mr. Garrison.

Mr. Randall Garrison: Thank you very much, Madam Chair.

I simply want to reiterate that I do not believe this is the way we should deal with normal witnesses. I moved a separate motion to invite Premier Kenney so that he's not being invited on a partisan basis as my witness to come to this committee, but as the former minister of defence who made the decision to hire a new chief of the defence staff, who at the time was accused of serious sexual misconduct.

This is not an ordinary witness. It is not a procedure that I favour for ordinary witnesses. This is someone who was responsible to Parliament at the time and who remains a former minister. That's why I think he deserves the courtesy of being invited by the committee as a whole and not being placed as an NDP witness, which is highly ironic.

Thank you.

Ms. Anita Vandenberg: Madam Chair, will there be a deadline for us to submit our witness names?

The Chair: For this new one, probably.... How about Wednesday evening? This is a short order. Would that be acceptable to the committee, to send witness names to the clerk by close of business tomorrow, Wednesday? Then we will work with the IT people to schedule these meetings. We'll get back to you with what those options are.

Are there any further questions for today? All right.

The meeting is adjourned.

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